



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Vicki S. Elliott, et al.

Title: KINASES AND PHOSPHATASES

Appl. No.: 10/554,917

Filing Date: 10/31/2005

Examiner: Unassigned

Art Unit: Unassigned

Confirmation Number: 9780

**PETITION UNDER 37 C.F.R. § 1.47(a) – Joseph P. Marquis**

Sir:

Pursuant to 37 C.F.R. § 1.47(a) and the guidelines set forth in M.P.E.P. § 409.03, a request is hereby made to include Joseph P. Marquis as a joint inventor of the above-identified application even though he has been unable to be located and/or refuses to join in the application by signing an oath or declaration complying with 37 C.F.R. § 1.63. A declaration complying with 37 C.F.R. § 1.63 signed by one joint inventor, is included herewith. Below is a description of the pertinent facts explaining the refusal of Joseph P. Marquis to join in the subject application, as well as his last known address.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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28 NOV 2006

Michele M. Simkin  
Foley & Lardner, LLP  
Suite 500  
3000 K Street NW  
Washington, DC 20007

In re Application of  
ELLIOTT, et al.  
Application No.: 10/554,917  
PCT No.: PCT/US04/09215  
Int. Filing Date: 24 March 2004  
Priority Date: 30 April 2003  
Atty. Docket No.: 039386-2277  
For: KINASES AND PHOSPHATASES

DECISION ON PETITION

UNDER 37 CFR 1.47(a)

This decision is in response to the applicant's petitions under 37 CFR 1.47(a) filed 05 October 2006 in the United States Patent and Trademark Office (USPTO). Applicant is advised that the required petition fee is \$200.00. There is no need to provide the petition fee for each of the non-signing inventors. As such, \$1360.00 will be refunded to applicant's credit card.

**BACKGROUND**

On 24 March 2004, applicant filed international application PCT/US04/09215 which claimed priority to an earlier U.S. application filed 30 April 2003. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 30 October 2005.

On 31 October 2005, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a First preliminary amendment.

On 05 June 2006, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. Applicant was afforded two months to file the required response and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 05 October 2006, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a two-month extension of time and payment of the appropriate petition fee. With the filing of the petition for a two-month extension of time and payment of the appropriate extension of time fee, the present response is considered timely filed.

### DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(i), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. With the filing of the present petition and accompanying papers, applicant has satisfied items 1 and 3.

As to item (2), applicant has satisfied this item for inventors: Li, Lu, Ernestine Lee, Ison, Gururajan, Nguyen and Swarnaker. Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) states, in part: Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.

The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47... The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as Internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should include a statement of facts. It is important that the statement contain facts as opposed to conclusions.

Regarding inventors Wilson, Gandhi and Marquis, applicant has evidence that the Fed Ex parcel was either left at the residence without a signature required or that the address was incorrect. While applicant did include results of searches to find a current address, these searches ~~did not include looking for the inventor by name~~. In the instance of inventor Thornton, applicant has included search results based on a search of the inventor's name; however it does not appear from the petition and accompanying papers that applicant followed up on any of the results in order to find a current address for Mr. Thornton. Lastly, as to inventor Soo Yean Lee, applicant searched by the inventor's address, however, this address appears to be an apartment building. It does not appear that applicant searched for Ms. Lee by name.

Regarding item (4), the filed declaration does not comply with 37 CFR 1.497(a)-(b). The international application identifies an inventor Narinder K. Chawla. However, the filed declaration lists this inventors as Narinder K. Chawla-Walia. In order to proceed in the U.S. National stage a petition under 37 CFR 1.182 changing the inventor's name is required. See the Manual of Patent Examining Procedure at § 605.04(c).

For the reasons stated above, it is not possible to grant applicant's petition at this time.

**CONCLUSION**

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED without prejudice.**

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Derek A. Putonen  
Attorney Advisor  
Office of PCT Legal Administration  
Tel: (571) 272-3294  
Fax: (571) 273-0459

---

STATEMENT REGARDING NAME CHANGE

NW  
02/03/07

Walia

I, Narinder K. ~~Chawla-Walia~~, hereby declare:

1. Until 2004 (from 2001)  
(2001-2004), my legal name was Narinder K. Chawla
2. Since 2004, by virtue of my <sup>divorce</sup> marriage, my legal name has been Narinder K. ~~Chawla-Walia~~.

NW  
02/03/07  
Walia

I hereby declare that all statements made herein are true and that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Narinder Chawla

Narinder K. Chawla

Narinder Walia

Narinder K. ~~Chawla-Walia~~

Walia

Date: 02/03/07

- My last name was 'Walia' until 2001.
- Changed to 'Chawla' in 2001 after my marriage
- In 2004, I changed it back to 'Walia' due to marriage dissolution.

NW

In support of this request, regarding inventors Soo Yeun Lee, Ameena R. Gandhi, Amy D. Wilson, and Joseph P. Marquis, attached are Petitions to include these inventors in the above patent application, along with documentation evidencing each inventors refusal to sign, and Statements of Facts regarding research to locate each inventor.

In view of the foregoing, Applicants respectfully request that these Petitions be approved.

In accordance with this Renewed Petition, a Petition Fee of \$200.00 is enclosed under 37 C.F.R. 1.17(i)(2), and a three-month extension of time is enclosed. If any additional fees are due with this Renewed Petition, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

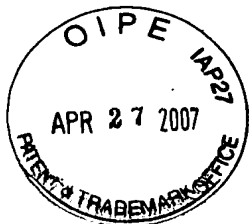
Respectfully submitted,

<sup>27</sup>  
Date: April ~~26~~, 2007

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5538  
Facsimile: (202) 672-5399

By Michele M. Simkin

Michele M. Simkin  
Attorney for Applicants  
Registration No. 34,717



Atty. Dkt. No 039386-2277

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: ELLIOTT et al.  
Title: KINASES AND  
PHOSPHATASES  
Appl. No.: 10/554,917  
International Filing Date: March 24, 2004  
Examiner: Unassigned  
Art Unit: Unassigned  
Conf. No.: 9780

**RENEWED PETITIONS UNDER 37 C.F.R. §1.47(a)**

MAIL STOP PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Further to the Decision on Request (copy attached), mailed November 28, 2006, in connection with the above-captioned application, reconsideration is hereby requested of Applicant's original request. By the attached petition for a three-month extension of time, Applicants have extended the period for response to April 28, 2007. Accordingly, this response is timely filed.

Applicants enclose the Declaration and Power of Attorney for the following inventor:

**Michael B. Thornton**

With regards to inventor Narinder K. Walia, Applicants submit a Statement Regarding Name Change, which clarifies that inventor Narinder K. Chawla is now legally Narinder K. Walia by virtue of divorce. See note written and initialed by the inventor at the bottom of the Statement Regarding Name Change, which explains that Narinder K. Chawla's name was Narinder K. Walia until 2001, then she was married and her name changed to Narinder K. Chawla in 2001, then in 2004, she changed it back to Walia due to marriage dissolution.

1. The named inventors of the above-identified application are as follows:

VICKI S. ELLIOTT  
REENA KHARE  
THOMAS W. RICHARDSON  
JOSEPH P. MARQUIS  
ANITA SWARNAKAR  
APRIL J. A. HAFALIA  
SHANYA D. BECHA  
NARINDER K. CHAWLA-WALIA  
MARIAH R. BAUGHN  
SOO YEUN LEE  
UYEN K. TRAN  
HENRY YUE  
DANNIEL B. NGUYEN  
MICHAEL B. THORNTON  
RAJAGOPAL GURURAJAN  
AMEENA R. GANDHI  
YAN LU  
MONIQUE G. YAO  
JOANA X. LI  
WEN LUO  
ERNESTINE A. LEE  
IAN J. FORSYTHE  
CRAIG H. ISON  
AMY D. WILSON  
PEI JIN

2. The last known address of Joseph P. Marquis is: 4903 Oakhill Circle, Rensselaer, NY 12144-8811.
3. The following attempts were made to contact Mr. Marquis to inform him that his signature was needed on a Declaration complying with 37 C.F.R. § 1.63 in connection with the above-identified application.

- a. On March 28, 2007, a copy of the above-referenced application and a Declaration complying with 37 C.F.R. § 1.63, was sent to Joseph P. Marquis from Michele Simkin, attorney for the applicants, via Federal Express. A letter was included requesting that he return the signed documents by March 23, 2007. Also included was a prepared return Federal Express label to ease Mr. Marquis' return of the documents. Copies of the March 20, 2007 letter and Federal Express tracking information (showing the package was received and signed for by Mr. Marquis) are attached.



b. On March 28, 2007, at 10:17 a.m., Stella Walker, a legal assistant employed by Foley and Lardner LLP, called Mr. Marquis at the number on record, the telephone was answered by an answering machine, and Mr. Marquis identified himself on the answering machine. Ms. Walker then left a telephone message in reference to signing and returning the Declaration. See attached Affidavit of Stella Walker.

d. As of the date of this petition, no signed documents or returned telephone call has been received from Mr. Marquis.

4. In view of the attempts made to contact Mr. Marquis to execute the Declaration in connection with the subject application, it is apparent that Mr. Marquis is refusing to sign the Declaration. Therefore, in accordance with 37 C.F.R. § 1.47(a), the undersigned petitions the U.S. Patent and Trademark Office to accept the accompanying Declaration complying with 37 C.F.R. § 1.63 executed by the other joint inventors of this application.


The undersigned states declares further that all statements made herein are true and that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

If there are any questions regarding the above, please contact the undersigned.

Respectfully submitted,

Date: April 27, 2007

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5538  
Facsimile: (202) 672-5399

By 

Michele M. Simkin  
Attorney for Applicants  
Registration No. 34,717



FOLEY & LARDNER LLP

March 20, 2007

FOLEY & LARDNER LLP  
ATTORNEYS AT LAW

WASHINGTON HARBOUR  
3000 K STREET, N.W., SUITE 5C  
WASHINGTON, D.C. 20007-5143  
202.672.5300 TEL  
202.672.5399 FAX  
www.foley.com

WRITER'S DIRECT LINE  
202.672.5538  
msimkin@foley.com EMAIL

CLIENT/MATTER NUMBER  
039386-2277

**VIA FEDERAL EXPRESS DELIVERY**

Joseph P. Marquis  
4903 Oakhill Circle  
Rensselaer, NY 12144-8811

Re: U.S. National Phase of Application No.: PCT/US04/09215  
Title: KINASES AND PHOSPHATASES  
Application No.: 10/554,917  
Inventor(s): Vicki S. Elliott et al.  
Our Ref.: 039386-2277  
Incyte Ref.: PF-1506 PCT-US

Dear Mr. Marquis:

Further to our letter dated August 7, 2006, we are currently are in the process of completing the requirements for the above-identified patent application.

We ask that you please sign and date the enclosed Declaration and Assignment, and return these documents to us in the enclosed self-addressed Federal Express envelope no later than **March 23, 2007**, so that we may promptly file them with the U.S. Patent and Trademark Office.

Please make any corrections and/or additions necessary on the Declaration and Assignment and *initial* and *date* where corrections are needed.

We greatly appreciate your prompt attention to this matter. If you have any questions, please do not hesitate to contact us.

Very truly yours,

  
Michele M. Simkin

MMSC/smw  
Enclosures

BRUSSELS  
CHICAGO  
DETROIT  
JACKSONVILLE

LOS ANGELES  
MADISON  
MILWAUKEE

ORLANDO  
SACRAMENTO  
SAN DIEGO  
SAN DIEGO/DEL MAR

SAN FRANCISCO  
SILICON VALLEY  
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**Tracking number** 909227695570  
**Signed for by** J.MARQUOIS  
**Ship date** Mar 20, 2007  
**Delivery date** Mar 21, 2007 10:29 AM

**Reference** 039386-2277  
**Destination** RENSSELAER, NY  
**Delivered to** Residence  
**Service type** Priority Envelope  
**Weight** 0.5 lbs.

**Wrong Address?**  
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**Tracking a FedEx Sr.**  
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**Status** Delivered

Date/Time	Activity	Location	Details
Mar 21, 2007	10:29 AM <b>Delivered</b>	RENSSELAER, NY	
	8:19 AM On FedEx vehicle for delivery	MENANDS, NY	
	7:31 AM At local FedEx facility	MENANDS, NY	
	3:53 AM Departed FedEx location	NEWARK, NJ	
	12:37 AM Arrived at FedEx location	NEWARK, NJ	
Mar 20, 2007	9:58 PM Left origin	WASHINGTON, DC	
	7:16 PM Picked up	WASHINGTON, DC	
	5:21 PM Package data transmitted to FedEx		

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non-English characters.



# FEDEX POWER SHIP FORM

March 20, 2007

Business Code	Joseph P. Marquis		Country	USA	Account	Telephone
Contact Name	4903 Oakhill Circle					
Company	Rensselaer, NY 12144-8811					
Address						
City, State Zip						
Service	Priority Overnight					
Payment	BILL SHIPPER					
References	039386-2277					
Depl/Notes	Michele M. Simkin/S. Walker					
Spec Handling	<b><u>MUST OBTAIN SIGNATURE FROM RECIPIENT!</u></b>					
Tracking #						
Carriage Value						
{DEPARTMENT USE ONLY}						
Packages	Weight	Dec Value				
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4.						

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 FEXP 1.00 1b

*OP*

*508*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Vicki S. Elliott, et al.  
Title: KINASES AND PHOSPHATASES  
Appl. No.: 10/554,917  
Filing Date: 10/31/2005  
Examiner: Unassigned  
Art Unit: Unassigned  
Confirmation Number: 9780


**AFFIDAVIT OF STELLA WALKER**

I, Stella Walker, do hereby declare:

I am an employee of Foley & Lardner LLP and currently hold the title of Legal Assistant. My duties at Foley & Lardner LLP include preparing and acquiring the execution of Declarations and Assignments needed for the prosecution of patent applications.

On March 28, 2007, at 10:17 a.m., I declare that I telephoned Mr. Joseph Marquis at the telephone number on record. Mr. Marquis identified himself on the answering machine. I left a voice mail message regarding signing and returning the Declaration.

The undersigned states declares further that all statements made herein are true and that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
\_\_\_\_\_  
Signature  
4/27/2007  
\_\_\_\_\_  
Date



Attorney Dkt. No.: 039386-2277

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Vicki S. Elliott, et al.

Title: KINASES AND PHOSPHATASES

Appl. No.: 10/554,917

Filing Date: 10/31/2005

Examiner: Unassigned

Art Unit: Unassigned

Confirmation Number: 9780

**PETITION UNDER 37 C.F.R. § 1.47(a) – Soo Yeun Lee**

Sir:

Pursuant to 37 C.F.R. § 1.47(a) and the guidelines set forth in M.P.E.P. § 409.03, a request is hereby made to include Soo Yeun Lee as a joint inventor of the above-identified application even though he has refused to join in the application by signing an oath or declaration complying with 37 C.F.R. § 1.63. A declaration complying with 37 C.F.R. § 1.63 signed by one additional joint inventor, is included herewith. Below is a description of the pertinent facts explaining the refusal of Soo Yeun Lee to join in the subject application, as well as his last known address.

1. The named inventors of the above-identified application are as follows:

VICKI S. ELLIOTT  
REENA KHARE  
THOMAS W. RICHARDSON  
JOSEPH P. MARQUIS  
ANITA SWARNAKAR  
APRIL J. A. HAFALIA  
SHANYA D. BECHA  
NARINDER K. CHAWLA-WALIA  
MARIAH R. BAUGHN  
SOO YEUN LEE  
UYEN K. TRAN  
HENRY YUE  
DANNIEL B. NGUYEN  
MICHAEL B. THORNTON  
RAJAGOPAL GURURAJAN  
AMEENA R. GANDHI  
YAN LU  
MONIQUE G. YAO  
JOANA X. LI  
WEN LUO  
ERNESTINE A. LEE  
IAN J. FORSYTHE  
CRAIG H. ISON  
AMY D. WILSON  
PEI JIN

2. The last known address of Soo Yeun Lee is: 4107 Palo Verde Road, Irvine, California 92617.
3. The following attempts were made to contact Soo Yeun Lee to inform him that his signature was needed on a Declaration complying with 37 C.F.R. § 1.63 in connection with the above-identified application.

- a. On March 20, 2007, a copy of the above-referenced application and a Declaration complying with 37 C.F.R. § 1.63, was sent to Soo Yeun Lee from Michele Simkin, attorney for the applicants, via Federal Express. A letter was included requesting that he return the signed documents by March 23, 2007. Also included was a prepared return Federal Express label to ease Soo Yeun Lee's return of the documents. Copies of the March 20, 2007, letter, Federal Express tracking information (showing the package was delivered on March 21, 2007, and signed for by S. Lee is attached.

- b. An internet search on the attached P-Trak search indicates Soo Yeun Lee's current address is correct.
- c. On March 28, 2007, at 9:55 a.m., Stella Walker, a legal assistant employed by Foley and Lardner LLP, called Soo Yeun Lee at the number on record and left a telephone message regarding signing and returning the Declaration. See Affidavit of Stella Walker attached.
- d. As of the date of this petition, no signed documents regarding the above-captioned application have been received from Soo Yeun Lee.

4. In view of the attempts made to contact Soo Yeun Lee to execute the Declaration in connection with the subject application, it is apparent that Soo Yeun Lee is refusing to sign the Declaration. Therefore, in accordance with 37 C.F.R. § 1.47(a), the undersigned petitions the U.S. Patent and Trademark Office to accept the accompanying Declaration complying with 37 C.F.R. § 1.63 executed by the other joint inventor of this application.

The undersigned states and declares further that all statements made herein are true and that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

If there are any questions regarding the above, please contact the undersigned.

Respectfully submitted,

Date: April 27, 2007

By Michele M. Simkin

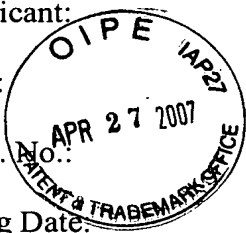
FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5538  
Facsimile: (202) 672-5399

Michele M. Simkin  
Attorney for Applicants  
Registration No. 34,717



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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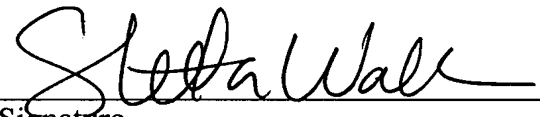
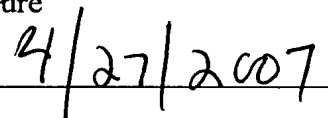
**AFFIDAVIT OF STELLA WALKER**

I, Stella Walker, do hereby declare:

I am an employee of Foley & Lardner LLP and currently hold the title of Legal Assistant. My duties at Foley & Lardner LLP include preparing and acquiring the execution of Declarations and Assignments needed for the prosecution of patent applications.

On March 28, 2007, at 9:55 a.m., I declare that I telephoned Mr. Soo Yeun Lee at the telephone number on record. There was no answer and I left a voice mail message regarding signing and returning the Declaration. I also performed the internet search on P-Trak to obtain the current address for Soo Yeun Lee.

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\_\_\_\_\_  
Signature  
  
\_\_\_\_\_  
Date



FOLEY & LARDNER LLP



March 20, 2007

FOLEY & LARDNER LLP  
ATTORNEYS AT LAW

WASHINGTON HARBOUR  
3000 K STREET, N.W., SUITE 5C  
WASHINGTON, D.C. 20007-5143  
202.672.5300 TEL  
202.672.5399 FAX  
www.foley.com

WRITER'S DIRECT LINE  
202.672.5538  
msimkin@foley.com EMAIL

CLIENT/MATTER NUMBER  
039386-2277

**VIA FEDERAL EXPRESS DELIVERY**

Soo Yeun Lee  
4107 Palo Verde Road  
Irvine, CA 92617

Re: U.S. National Phase of Application No.: PCT/US04/09215  
Title: KINASES AND PHOSPHATASES  
Application No.: 10/554,917  
Inventor(s): Vicki S. Elliott et al.  
Our Ref.: 039386-2277  
Incyte Ref.: PF-1506 PCT-US

Dear Ms. Lee:

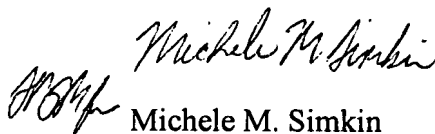
Further to our letter dated August 7, 2006, we are currently are in the process of completing the requirements for the above-identified patent application.

We ask that you please sign and date the enclosed Declaration and Assignment, and return these documents to us in the enclosed self-addressed Federal Express envelope no later than **March 23, 2007**, so that we may promptly file them with the U.S. Patent and Trademark Office.

Please make any corrections and/or additions necessary on the Declaration and Assignment and *initial* and *date* where corrections are needed.

We greatly appreciate your prompt attention to this matter. If you have any questions, please do not hesitate to contact us.

Very truly yours,

  
Michele M. Simkin

MMSC/smw  
Enclosures

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CHICAGO  
DETROIT  
JACKSONVILLE

LOS ANGELES  
MADISON  
MILWAUKEE

ORLANDO  
SACRAMENTO  
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**Tracking number** 909227695537  
**Signed for by** S.LEE  
**Ship date** Mar 20, 2007  
**Delivery date** Mar 21, 2007 10:04 AM

**Reference**  
**Destination**  
**Delivered to**  
**Service type**  
**Weight**

**Status** Delivered

Date/Time	Activity	Location	Details
Mar 21, 2007	10:04 AM Delivered	IRVINE, CA	
	8:51 AM On FedEx vehicle for delivery	IRVINE, CA	
	7:23 AM At local FedEx facility	IRVINE, CA	
	6:28 AM Departed FedEx location	LOS ANGELES, CA	
	5:00 AM Arrived at FedEx location	LOS ANGELES, CA	
	4:40 AM Departed FedEx location	INDIANAPOLIS, IN	
	12:36 AM Arrived at FedEx location	INDIANAPOLIS, IN	
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**March 20, 2007**

Business Code	Soo Yeun Lee			Country	USA	Account	Telephone
Contact Name	4107 Palo Verde Road						
Company	Irvine, CA 92617						
Address							
City, State Zip							
Service	Priority Overnight						
Payment	BILL SHIPPER						
References	039386-2277						
Deput/Notes	Michele M. Simkin/S. Walker						
Spec Handling	<b><u>MUST OBTAIN SIGNATURE FROM RECIPIENT</u></b>						
Tracking #							
Carriage Value							
(DEPARTMENT USE ONLY)							
Packages	Weight	Dec Value					
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03 20/07 Trk#909227695537  
 R# 13 Pkg#909227695537  
 Put: 1  
 FEXP PL XXX 13.56  
 Mt: 1.00 lb

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Terms: last-name (lee) and address (100 n. whisman road) and state (ca) ([Edit Search](#) | [Suggest Terms for My Search](#))

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LEE, SOO Y

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PERSON LOCATOR - PSRCH2

**Name:** LEE, SOO Y

**Former Name:**  
LEE, SOOYEUN

**Social Security Number:** 150-90-XXXX

**Address:**  
4107 PALO VERDE RD  
IRVINE, CA 92617  
Address Created: 7/2006

**Previous Addresses:**

**100 N WHISMAN RD APT 513**  
MOUNTAIN VIEW, CA 94043  
Address Created: 6/2004

**1776 CALIFORNIA ST APT 14**  
MOUNTAIN VIEW, CA 94041  
Address Created: 7/2003

**40 WESTDALE AVE**  
DALY CITY, CA 94015  
Address Created: 11/2000

**2240 BLAKE ST**  
BERKELEY, CA 94704  
Address Created: 9/1997

**5017 JACQUES ST**  
TORRANCE, CA 90503  
Address Created: 4/1997

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Vicki S. Elliott, et al.  
Title: KINASES AND PHOSPHATASES  
Appl. No.: 10/554,917  
Filing Date: 10/31/2005  
Examiner: Unassigned  
Art Unit: Unassigned  
Confirmation Number: 9780

**PETITION UNDER 37 C.F.R. § 1.47(a) – Ameena Gandhi**

Sir:

Pursuant to 37 C.F.R. § 1.47(a) and the guidelines set forth in M.P.E.P. § 409.03, a request is hereby made to include Ameena Gandhi as a joint inventor of the above-identified application even though she has been unable to be located and/or refuses to join in the application by signing an oath or declaration complying with 37 C.F.R. § 1.63. A declaration complying with 37 C.F.R. § 1.63 signed by the joint inventor, is included herewith. Below is a description of the pertinent facts explaining the refusal of Ameena Gandhi to join in the subject application, as well as her last known address.

1. The named inventors of the above-identified application are as follows:

VICKI S. ELLIOTT  
REENA KHARE  
THOMAS W. RICHARDSON  
JOSEPH P. MARQUIS  
ANITA SWARNAKAR  
APRIL J. A. HAFALIA  
SHANYA D. BECHA  
NARINDER K. CHAWLA-WALIA  
MARIAH R. BAUGHN  
SOO YEUN LEE  
UYEN K. TRAN  
HENRY YUE  
DANNIEL B. NGUYEN  
MICHAEL B. THORNTON  
RAJAGOPAL GURURAJAN  
AMEENA R. GANDHI  
YAN LU  
MONIQUE G. YAO  
JOANA X. LI  
WEN LUO  
ERNESTINE A. LEE  
IAN J. FORSYTHE  
CRAIG H. ISON  
AMY D. WILSON  
PEI JIN

2. The last known address of Ameena Gandhi: 1137 Oddstad Boulevard, Pacifica, California 94044-3850.
3. The following attempts were made to contact Ms. Gandhi to inform her that her signature was needed on a Declaration complying with 37 C.F.R. § 1.63 in connection with the above-identified application.

- a. On March 20, 2007, a copy of the above-referenced application and a Declaration complying with 37 C.F.R. § 1.63, was sent to Ameena Gandhi from Michele Simkin, attorney for the applicants, via Federal Express. A letter was included requesting that she return the signed documents by March 23, 2007. Also included was a prepared return Federal Express label to ease Ms. Gandhi's return of the documents. Copies of the March 20, 2007 letter, Federal Express tracking information (showing the package was delivered and signed for) are attached.

b. Attached is a P-Trak internet search showing that the last address that we have on record for Ms. Gandhi is correct, as well as the last telephone number.

c. On March 28, 2007, Stella Walker, a legal assistant employed by Foley and Lardner LLP, called Ms. Gandhi at the telephone number on record. The telephone was not answered and there is no answering machine to leave a message. See attached Affidavit.

4. In view of the attempts made to contact Ms. Gandhi to execute the Declaration in connection with the subject application, it is apparent that Ms. Gandhi is refusing to sign the Declaration. Therefore, in accordance with 37 C.F.R. § 1.47(a), the undersigned petitions the U.S. Patent and Trademark Office to accept the accompanying Declaration complying with 37 C.F.R. § 1.63 executed by the other joint inventors of this application.

The undersigned states declares further that all statements made herein are true and that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

If there are any questions regarding the above, please contact the undersigned.

Respectfully submitted,

Date: April 27, 2007

By Michele M. Simkin

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5538  
Facsimile: (202) 672-5399

Michele M. Simkin  
Attorney for Applicants  
Registration No. 34,717



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Vicki S. Elliott, et al.  
Title: KINASES AND PHOSPHATASES  
Appl. No.: 10/554,917  
Filing Date: 10/31/2005  
Examiner: Unassigned  
Art Unit: Unassigned  
Confirmation Number: 9780


**AFFIDAVIT OF STELLA WALKER**

I, Stella Walker, do hereby declare:

I am an employee of Foley & Lardner LLP and currently hold the title of Legal Assistant. My duties at Foley & Lardner LLP include preparing and acquiring the execution of Declarations and Assignments needed for the prosecution of patent applications.

On March 28, 2007, at 10:30 a.m., I declare that I attempted to contact Ms. Ameena Gandhi by telephone, and the telephone number that we have for Ms. Gandhi, was not answered and has no answering machine. I have searched for other telephone numbers and addresses for Ms. Gandhi, and I have not been able to find any updated telephone numbers.

The undersigned states declares further that all statements made herein are true and that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
\_\_\_\_\_  
Signature  
4/27/2007  
\_\_\_\_\_  
Date

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Tracking number 909227695548  
Signed for by A.RANDI  
Ship date Mar 20, 2007  
Delivery date Mar 21, 2007 10:06 AM

Reference 039386-2277  
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Mar 21, 2007	10:06 AM Delivered	PACIFICA, CA	
	7:44 AM On FedEx vehicle for delivery	SOUTH SAN FRANCISCO, CA	
	7:22 AM At local FedEx facility	SOUTH SAN FRANCISCO, CA	
	4:59 AM At dest sort facility	SAN FRANCISCO, CA	
Mar 20, 2007	3:46 AM Departed FedEx location	MEMPHIS, TN	
	11:24 PM Arrived at FedEx location	MEMPHIS, TN	
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<input type="text"/>	English	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English	<input type="checkbox"/>	<input type="checkbox"/>
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Terms: first-name (ameena) and last-name (gandhi) and city (san francisco) and state (ca) ([Edit Search](#) | [Suggest Terms for My Search](#))

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*GANDHI, AMEENA R*

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PERSON LOCATOR - P-TRAK

**Name:** **GANDHI, AMEENA R**

**Also Known As:**

**GANDHI, AMEENA**

**Social Security Number:** 561-43-XXXX

**Address:**

1137 ODDSTAD BLVD  
PACIFICA, **CA** 94044-3850  
Address Updated: 10/15/2005

**Previous Addresses:**

705 5TH AVE  
**SAN FRANCISCO, CA** 94118-3916  
Address Updated: 4/10/2002

837 ROBLE AVE  
MENLO PARK, **CA** 94025-4943  
Address Updated: 11/1/2000

2725 HASTE ST  
BERKELEY, **CA** 94704-2469  
Address Updated: 7/19/2001

1648 OLYMPUS LOOP DR  
VISTA, **CA** 92081-5440  
Address Updated: 7/19/2001

**Birthdate:** 5/1975

**On File Since:** 11/1/2000

Source: [Legal](#) > / ... / > ALLFND Combined Person Locator Files 

Terms: **first-name (ameena) and last-name (gandhi) and city (san francisco) and state (ca)** ([Edit Search](#) | [Suggest Terms for My Search](#))

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# **FEDEx POWER SHIP FORM**

**March 20, 2007**

<b>Business Code</b> <b>Contact Name</b> <b>Company</b> <b>Address</b> <b>City, State Zip</b>		<b>Ameena R. Gandhi</b> <b>1137 ODDSTAD BOULEVARD</b> <b>PACIFICA, CALIFORNIA 94044-3850</b>		<b>Country</b> USA	<b>Account</b>	<b>Telephone</b>
<b>Service</b> <b>Payment</b> <b>References</b> <b>Dep't/Notes</b> <b>Spec Handling</b> <b>Tracking #</b> <b>Carriage Value</b>		<b>Priority Overnight</b> <b>BILL SHIPPER</b> 039386-2277 Michele M. Simkin/S. Walker <b><u>MUST OBTAIN SIGNATURE FROM RECIPIENT!</u></b>				
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FOLEY & LARDNER LLP

March 20, 2007

FOLEY & LARDNER LLP  
ATTORNEYS AT LAW

WASHINGTON HARBOUR  
3000 K STREET, N.W., SUITE 5C  
WASHINGTON, D.C. 20007-5143  
202.672.5300 TEL  
202.672.5399 FAX  
www.foley.com

WRITER'S DIRECT LINE  
202.672.5538  
msimkin@foley.com EMAIL

CLIENT/MATTER NUMBER  
039386-2277

**VIA FEDERAL EXPRESS DELIVERY**

Ameena R. Gandhi  
1137 Oddstad Boulevard  
Pacifica, CA 94044-3850

Re: U.S. National Phase of Application No.: PCT/US04/09215  
Title: KINASES AND PHOSPHATASES  
Application No.: 10/554,917  
Inventor(s): Vicki S. Elliott et al.  
Our Ref.: 039386-2277  
Incyte Ref.: PF-1506 PCT-US

Dear Ms. Gandhi:

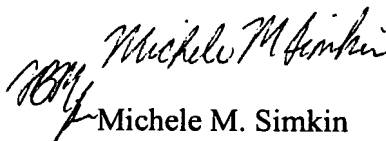
Further to our letter dated August 7, 2006, we are currently are in the process of completing the requirements for the above-identified patent application.

We ask that you please sign and date the enclosed Declaration and Assignment, and return these documents to us in the enclosed self-addressed Federal Express envelope no later than **March 23, 2007**, so that we may promptly file them with the U.S. Patent and Trademark Office.

Please make any corrections and/or additions necessary on the Declaration and Assignment and *initial* and *date* where corrections are needed.

We greatly appreciate your prompt attention to this matter. If you have any questions, please do not hesitate to contact us.

Very truly yours,

  
Michele M. Simkin

MMSC/smw  
Enclosures

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Vicki S. Elliott, et al.  
Title: KINASES AND PHOSPHATASES  
Appl. No.: 10/554,917  
Filing Date: 10/31/2005  
Examiner: Unassigned  
Art Unit: Unassigned  
Confirmation Number: 9780

**PETITION UNDER 37 C.F.R. § 1.47(a) – Amy Wilson**

Sir:

Pursuant to 37 C.F.R. § 1.47(a) and the guidelines set forth in M.P.E.P. § 409.03, a request is hereby made to include Amy Wilson as a joint inventor of the above-identified application even though she has been unable to be located and/or refuses to join in the application by signing an oath or declaration complying with 37 C.F.R. § 1.63. A declaration complying with 37 C.F.R. § 1.63 signed by the joint inventor, is included herewith. Below is a description of the pertinent facts explaining the refusal of Amy Wilson to join in the subject application, as well as her last known address.

1. The named inventors of the above-identified application are as follows:

VICKI S. ELLIOTT  
REENA KHARE  
THOMAS W. RICHARDSON  
JOSEPH P. MARQUIS  
ANITA SWARNAKAR  
APRIL J. A. HAFALIA  
SHANYA D. BECHA  
NARINDER K. CHAWLA-WALIA  
MARIAH R. BAUGHN  
SOO YEUN LEE  
UYEN K. TRAN  
HENRY YUE  
DANNIEL B. NGUYEN  
MICHAEL B. THORNTON  
RAJAGOPAL GURURAJAN  
AMEENA R. GANDHI  
YAN LU  
MONIQUE G. YAO  
JOANA X. LI  
WEN LUO  
ERNESTINE A. LEE  
IAN J. FORSYTHE  
CRAIG H. ISON  
AMY D. WILSON  
PEI JIN

2. The last known address of Amy Wilson is: 5301 Newcastle Avenue, #30, Encino, California 91316.
3. The following attempts were made to contact Ms. Wilson to inform her that her signature was needed on a Declaration complying with 37 C.F.R. § 1.63 in connection with the above-identified application.

- a. On March 20, 2007, a copy of the above-referenced application and a Declaration complying with 37 C.F.R. § 1.63, was sent to Amy Wilson from Michele Simkin, attorney for the applicants, via Federal Express. A letter was included requesting that she return the signed documents by March 23, 2007. Also included was a prepared return Federal Express label to ease Ms. Wilson's return of the documents. Copies of the March 20, 2007, letter, Federal Express tracking information (showing that there were four (4) attempts to deliver the package and none of them were successful) are attached.



b. Attached are internet searches to find any other address and/or a different telephone number for Amy Wilson. No other telephone number was found and no new address was found.

c. On March 28, 2007, at 10:05 a.m., Stella Walker, a legal assistant employed by Foley and Lardner LLP, called Ms. Wilson at the telephone number on record. The telephone has been disconnected.

4. In view of the attempts made to contact Ms. Wilson to execute the Declaration in connection with the subject application, it is apparent that Ms. Wilson cannot be located, or is refusing to sign the Declaration. Therefore, in accordance with 37 C.F.R. § 1.47(a), the undersigned petitions the U.S. Patent and Trademark Office to accept the accompanying Declaration complying with 37 C.F.R. § 1.63 executed by the other joint inventor of this application.

The undersigned states declares further that all statements made herein are true and that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

If there are any questions regarding the above, please contact the undersigned.

Respectfully submitted,

Date: 4/27/07

By Michele M. Simkin

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5538  
Facsimile: (202) 672-5399

Michele M. Simkin  
Attorney for Applicants  
Registration No. 34,717



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Vicki S. Elliott, et al.  
Title: KINASES AND PHOSPHATASES  
Appl. No.: 10/554,917  
Filing Date: 10/31/2005  
Examiner: Unassigned  
Art Unit: Unassigned  
Confirmation Number: 9780

AFFIDAVIT OF STELLA WALKER

I, Stella Walker, do hereby declare:

I am an employee of Foley & Lardner LLP and currently hold the title of Legal Assistant. My duties at Foley & Lardner LLP include preparing and acquiring the execution of Declarations and Assignments needed for the prosecution of patent applications.

On March 28, 2007, at 10:05 a.m., I declare that I attempted to contact Ms. Amy Wilson by telephone, and the telephone number that we have for Ms. Wilson, has been disconnected. I have searched for other telephone numbers and addresses for Ms. Wilson, and I have not been able to find any updated addresses.

The undersigned states declares further that all statements made herein are true and that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature

Date

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Terms: **last-name (wilson) and address (5301 newcastle avenue) and city (encino) and state (ca)** ([Edit Search](#) | [Suggest Terms for My Search](#))

WILSON, AMY

**THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY**

PERSON LOCATOR - PSRCH2

**Name:** WILSON, AMY

**Social Security Number:** 543-94-XXXX

**Address:**

**5301 NEWCASTLE AVE** APT 30

**ENCINO, CA** 91316

Address Created: 10/2004

**Previous Addresses:**

1056 CONTINENTALS WAY APT 27

BELMONT, **CA** 94002

Address Created: 4/2002

6510 MADRID RD APT 6

GOLETA, **CA** 93117

Address Created: 10/1998

807 EMBARCADERO DEL NORTE

SANTA BARBARA, **CA** 93117

Address Created: 1/1998

6162 CORTE TRANCAS

PLEASANTON, **CA** 94566

Address Created: 9/1997

Source: [Legal > / . . . / > ALLFND Combined Person Locator Files](#) 

Terms: **last-name (wilson) and address (5301 newcastle avenue) and city (encino) and state (ca)** ([Edit Search](#) | [Suggest Terms for My Search](#))

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3000 K STREET, N.W., SUITE 5C  
WASHINGTON, D.C. 20007-5143  
202.672.5300 TEL  
202.672.5399 FAX  
www.foley.com

March 20, 2007

WRITER'S DIRECT LINE  
202.672.5538  
msimkin@foley.com EMAIL

CLIENT/MATTER NUMBER  
039386-2277

**VIA FEDERAL EXPRESS DELIVERY**

Amy D. Wilson  
5301 Newcastle Avenue #30  
Encino, CA 91316

Re: U.S. National Phase of Application No.: PCT/US04/09215  
Title: KINASES AND PHOSPHATASES  
Application No.: 10/554,917  
Inventor(s): Vicki S. Elliott et al.  
Our Ref.: 039386-2277  
Incyte Ref.: PF-1506 PCT-US

Dear Ms. Wilson:

Further to our letter dated August 7, 2006, we are currently are in the process of completing the requirements for the above-identified patent application.

We ask that you please sign and date the enclosed Declaration and Assignment, and return these documents to us in the enclosed self-addressed Federal Express envelope no later than **March 23, 2007**, so that we may promptly file them with the U.S. Patent and Trademark Office.

Please make any corrections and/or additions necessary on the Declaration and Assignment and *initial* and *date* where corrections are needed.

We greatly appreciate your prompt attention to this matter. If you have any questions, please do not hesitate to contact us.

Very truly yours,



Michele M. Simkin

MMSC/smw  
Enclosures

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DETROIT  
JACKSONVILLE

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WASHINGTON, D.C.  
WEST PALM BEACH

WASH\_1837009.1

# FEDEX POWER SHIP FORM

March 20, 2007

Business Code Contact Name Company Address City, State Zip		Amy D. Wilson 5301 Newcastle Avenue #30 Encino, CA 91316		Country USA	Account	Telephone
Service Payment References Dept/Notes Spcl Handling Tracking # Carriage Value		Priority Overnight BILL SHIPPER 039386-2277 Michele M. Simkin/S. Walker <b>MUST OBTAIN SIGNATURE FROM RECIPIENT!</b>				
{DEPARTMENT USE ONLY}						
Packages		Weight		Dec Value		
1.						
2.						
3.						
4.						

03/20/07 Trk#909227615560  
 R# 13 Pkg#909227695360  
 Pmt: 1, FEXP PL XXX  
 Wt: 1.00 lb 13.56

*DP*

*SA*


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## Track Shipments Detailed Results


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**Tracking number** 909227695560  
**Ship date** Mar 20, 2007

**Reference** 039386-2277  
**Destination** ENCINO, CA  
**Service type** Priority Envelope  
**Weight** 0.5 lbs.

**Wrong Address?**  
Reduce future mistakes  
[FedEx Address Checker](#)

**Tracking a FedEx Shipment?**  
Go to [shipper login](#)

**Status** At FedEx destination

<i>Date/Time</i>	<i>Activity</i>	<i>Location</i>	<i>Details</i>
Mar 27, 2007 11:36 AM	At local FedEx facility	NORTH HILLS, CA	
Mar 26, 2007 2:52 PM	At local FedEx facility	NORTH HILLS, CA	
Mar 23, 2007 6:58 PM	At local FedEx facility	NORTH HILLS, CA	
1:54 PM	Delivery exception	NORTH HILLS, CA	Customer not available or business closed
7:48 AM	On FedEx vehicle for delivery	NORTH HILLS, CA	
Mar 22, 2007 5:41 PM	At local FedEx facility	NORTH HILLS, CA	
10:05 AM	Delivery exception	NORTH HILLS, CA	Customer not available or business closed
8:10 AM	On FedEx vehicle for delivery	NORTH HILLS, CA	
Mar 21, 2007 5:47 PM	At local FedEx facility	NORTH HILLS, CA	
10:08 AM	Delivery exception	NORTH HILLS, CA	Customer not available or business closed
10:08 AM	Delivery exception	NORTH HILLS, CA	Customer not available or business closed
7:57 AM	On FedEx vehicle for delivery	NORTH HILLS, CA	
6:56 AM	At local FedEx facility	NORTH HILLS, CA	
5:13 AM	At dest sort facility	BURBANK, CA	
3:45 AM	Departed FedEx location	MEMPHIS, TN	
Mar 20, 2007 11:24 PM	Arrived at FedEx location	MEMPHIS, TN	
9:58 PM	Left origin	WASHINGTON, DC	
7:16 PM	Picked up	WASHINGTON, DC	
5:21 PM	Package data transmitted to FedEx		

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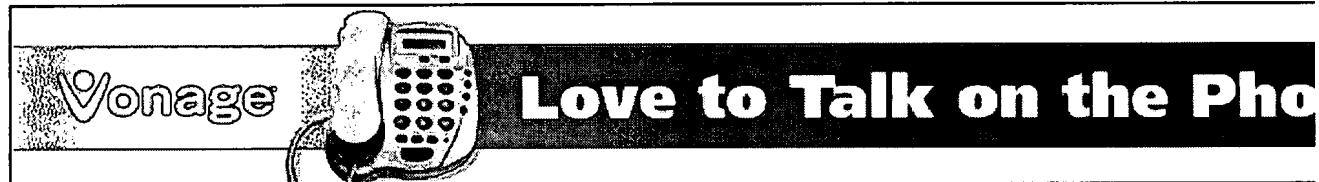
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**0 Results** matching "Amy Wilson, 5301 Newcastle Avenue, CA"

**Search Suggestions**

Search for the **last name** Wilson in the entire state of California

Search for Amy Wilson **nationwide**

Search for the first name **beginning with A**, last name with Wil in the entire state of California

**Revise Your Search****100 More Records for Amy Wilson**

Name	City, State	Age	People Report
<a href="#">Amy Wilson</a>	Agoura Hills, CA		<a href="#">View Details</a>
<a href="#">Amy Wilson</a>	Alameda, CA	26	<a href="#">View Details</a>
<a href="#">Amy Wilson</a>	Alameda, CA	26	<a href="#">View Details</a>
<a href="#">Amy Wilson</a>	Altadena, CA		<a href="#">View Details</a>

[See all Records for Amy Wilson](#)

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